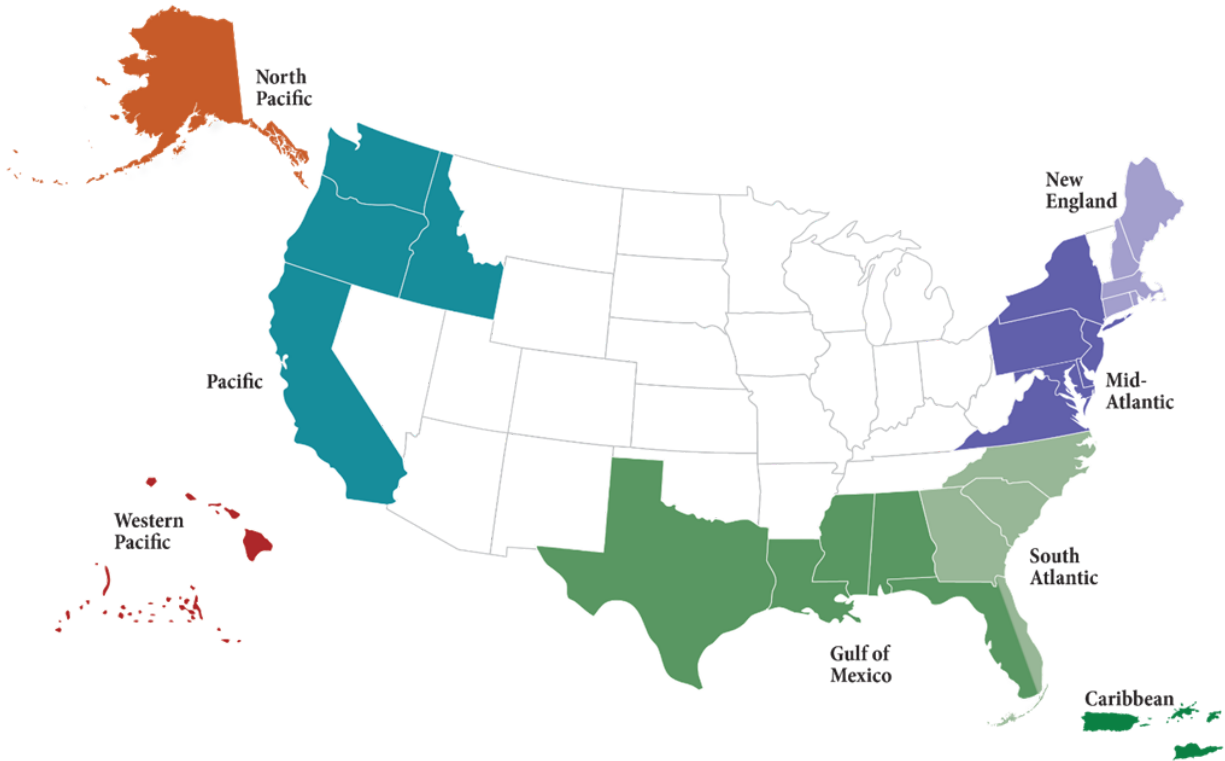


GOVERNORS' GUIDANCE KIT FOR NOMINATIONS TO THE REGIONAL FISHERY MANAGEMENT COUNCILS



The NOAA Fisheries website provides guidance to state Governors to help in compiling nomination lists for the annual appointments process, and understanding the Magnuson-Stevens Act requirements for the Council nomination and appointment process. The Nomination Application Kit is to be completed and signed by your nominees. Instructions and other guidance can be found at:

<https://www.fisheries.noaa.gov/national/partners/council-nomination-process-guidance>.

You can contact the NMFS Office of Sustainable Fisheries, Domestic Fisheries Division at 301-427-8535, or email Council.Appointments@noaa.gov.

The completed nomination package (Governor's nomination letter and nominees' completed application kits) must be received by the Assistant Administrator for NOAA Fisheries ***no later than March 15th.***

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Governors' Guidance on Nomination Criteria and Procedures

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)) and other related guidance, Regional Fishery Management Council ***Governors must nominate at least three individuals for each available Council seat, for appointment by the Secretary of Commerce.*** Appointments can only be made from timely and complete nomination lists developed by the Governors of the Councils' constituent states. The Governors submit the lists to the NOAA Assistant Administrator for Fisheries, who facilitates the appointments on behalf of the Secretary of Commerce.

A Governor may only nominate candidates who meet the nomination requirements contained in the Magnuson-Stevens Act (Sec. 302) and other applicable criteria ([50 CFR 600.215](#)) referenced in this kit. For guidance in developing nominations, please review the enclosures contained in this kit, as well as the Nomination Application Kit, which provides specific information about nominees' qualifications.

For assistance in compiling nomination lists, please refer to Enclosure 4A. It contains links to the Council websites which contain the names and contact information of the Regional Fishery Management Council principal state officials, and if applicable, their designees. These principal state officials are appointed by the Governors as voting members on the Councils and employed with the states' resource agencies, and can provide first-hand insight about Council memberships, as well as fishery management needs of the Councils.

Regional Fishery Management Council Residency Policies

A state resident is an individual who maintains their principal residence within that state and, if applicable, pays income taxes to that state and/or other appropriate jurisdiction within that state.

Obligatory Seats

Obligatory seats are state-specific. Prior to submitting nominations, a Governor must determine if each of their nominees is a resident of that state. Governors may not nominate a non-resident of that state for appointment to a Council seat obligated to that state. If, at any time during a term, an appointee changes residency to another state, the member may no longer vote and must resign from that obligatory seat.

At-Large Seats

At-large seats are regional. Governors may nominate residents of another constituent state of a Council for appointment to an at-large seat on that Council. However, if an at-large Council member changes residency to a state not represented on the Council of which they are a member, the member may no longer vote and must resign from that at-large seat.

Timely Submission

To facilitate timely submission, forward all completed nomination letters and nominees' application kits in a single PDF file by email to: Council.Appointments@noaa.gov. The nomination letter must be signed (in ink or electronically) by the Governor on official letterhead.

All nomination materials must be received electronically this year due to the COVID-19 pandemic. **Completed and timely nomination information must be received by the NOAA Assistant Administrator for Fisheries by March 15.** The Governor may contact the Office of Sustainable Fisheries, Domestic Fisheries Division, at 301-427-8535, or by email at Council.Appointments@noaa.gov (cc: Morgan.Corey@noaa.gov) if there are any questions regarding the completion of nomination packages.

Key Procedures and Criteria

Consider your nominations carefully and submit nominees who possess the broadest range of fisheries knowledge and experiences, and who will contribute effectively toward the conservation and management goals of the Councils, and to the attainment of "fair and balanced" apportionments on a Council. You are also encouraged to consider nominees whose backgrounds and personal characteristics would contribute to achieving greater diversity in Council membership, including the consideration of qualified women, people of color, and individuals that are representative of historically underserved communities.

Obligatory Seats

If the Governor initially nominates fewer than three qualified candidates for that state's obligatory seat, the Secretary must delay consideration of the candidates until that Governor completes their list of candidates and submits the required minimum number of three. Moreover, that obligatory seat will remain vacant even though three or more candidates' names have been submitted, until the Governor and at least three of the Governor's nominees complete all other nomination requirements, and the Secretary has had an appropriate opportunity to make the selection.

At-Large Seats

At-large seats are regional in nature, and Governors may nominate residents of another constituent state of a Council for appointment to an at-large seat on that Council. No at-large seat is owned by any particular state.

Nominating Circumstances

Before nominating individuals to the Council, we request the Governor conduct an initial background review and consultation with fishing interests as required by the Magnuson-Stevens Act. We will conduct background investigations on the nominees that are selected to serve on a Council. An individual's appointment to the Council will be conditional until their background investigation has been favorably adjudicated. Additionally, individuals who are federal registered lobbyists will not be appointed as Council members.

Your candidates must recognize their important roles as trustees and stewards of our Nation's marine fisheries resources. Promotion of self or other narrow interests that would detract from a member's objectivity and service to the welfare of the living marine resources of the United States must be avoided. Each nominee also must indicate a willingness to devote significant personal time and service to Council meetings and related activities. Newly appointed members will be required to complete a mandatory training course typically scheduled in October.

Website for State Governors

NMFS has created a website for the Governors to help in compiling nomination lists for the annual appointments' process. This website contains an overview of the Magnuson-Stevens Act requirements as it pertains to the Council nomination and appointment process and other related guidance, and the Nomination Application Kit to be completed by your nominees. The Nomination Application Kit is available in a fillable PDF format on the website.

<https://www.fisheries.noaa.gov/national/partners/council-nomination-process-guidance>

Documentation

Governors *must nominate at least three individuals* for appointment by the Secretary to each available Council seat. Governors may nominate more than three candidates for each seat. In addition, Governors should provide a written response if they choose not to submit anyone for at-large nominations.

In the nomination letter, Governors need to explain how each nominee, by reason of occupational experience, other experience, scientific expertise, or training, is knowledgeable regarding the conservation and management or the commercial or recreational harvest of the fishery resources of the Council's geographical area.

A major factor in meeting the MSA's goals for balanced Council membership is the role of Governors in nominating individuals from the commercial and recreational sectors or individuals from the "other" sector. ***Please identify each of your nominees as either commercial, recreational, or "other" sectors and indicate the classification in your nomination letter.*** Examples of commercial sector experience include seafood processors, fuel/bait/tackle store owners, and other seafood industry associated jobs. Examples of recreational experience include for-hire, charter captains, and private anglers. The "other" sector category includes, but is not limited to, those who have knowledge of, and experience in, biological, economic, or social sciences (academic researchers); environmental or ecological matters (non-governmental organizations, non-profits, etc.); consumer affairs; and associated fields (journalism, conservation, etc.). For individuals with cross-disciplinary experience, we encourage you to choose the sector category that best encapsulates the individual's background.

Provide a written indication that consultations were made with the commercial and recreational fishing communities of the State regarding your nominees. Please attach documentation of your efforts to consult with the commercial and recreational fishing interests of the state regarding your nominees.

Governors must provide a statement identifying efforts to solicit applications from and the consideration of qualified women, people of color, and/or individuals representative of historically underserved communities.

Ensure that each nominee completes and forwards Parts 1-4 of the Nomination Application Kit to the Governor (or Governor's contact). The Governor is responsible for gathering completed nomination information and application kits from their nominees. Governors should advise nominees to return their completed and signed application kits in sufficient time to allow the Governors to review and submit the forms prior to the March 15 deadline. **Please ensure that your nominees' applications do not contain Social Security Number, date of birth, or place of birth.** This is no longer required information for nominees.

Enclosure 3A of the Governors' Guidance Kit is intended to facilitate final review of the Governors' nomination letter and nominees' completed application kits.

Appointment

A Council member's appointment is conditional until such time as their background investigation has been favorably adjudicated. If appointed, Council members must undergo an extensive background investigation and complete other administrative requirements of the appointment process.

NMFS conducts initial vetting and enforcement checks of nominees in which most issues that would affect a nominee's ability to serve are discovered. A past felony conviction may be disqualifying. Further, the background investigation forms require disclosure of past criminal history. Failure to report such matters truthfully and fully would be grounds for an unfavorable background investigation.

ENCLOSURE 2A

REPORT TO CONGRESS ON APPORTIONMENT OF MEMBERSHIP FOR THE REGIONAL FISHERY MANAGEMENT COUNCILS

The Report to Congress on Apportionment of Membership on the Regional Fishery Management Councils is found at:

<https://www.fisheries.noaa.gov/national/partners/council-reports-congress>

Among other information, the Report contains factors the Secretary will consider in making the upcoming Council appointments. Please refer to this document as nominations are being developed. It specifies significant fishery management issues which the Councils are addressing, and identifies the current status of fishing sector representation on the Councils.

This year's Report may be unavailable at this time. Please keep checking the website until an updated version is published.

ENCLOSURE 3A GOVERNORS' AT-A-GLANCE CHECKLIST

INCLUDE THE BELOW INFORMATION WITHIN YOUR NOMINATION LETTER(s):

- ☐ A written statement explaining how each nominee meets the requirements listed in Section 302(b)(2)(A) of the Magnuson-Stevens Fishery Conservation and Management Act.
- ☐ A written indication that identifies consultations were made with the commercial, recreational, and other fishing communities of the State regarding your nominees.
- ☐ A written statement identifying efforts to solicit applications from and consider qualified women, people of color, and individuals representative of historically underserved communities.
- ☐ A written response if you choose not to nominate anyone for the available at-large seat(s).
- ☐ Ensure letters are signed (in ink or electronically) by the Governor on their official letterhead.
- ☐ Include the completed Nomination Application Kit (available on the NOAA Fisheries website) for each nominee.

NOMINEES' APPLICATION KITS MUST CONTAIN:

- ☐ **Part 1: ACKNOWLEDGEMENT STATEMENT, COMPLETED RESUME, and PHILOSOPHY STATEMENT:** Nominees must provide a written statement as to why they want to be a council member; a completed resume noting how they are knowledgeable regarding the conservation and management of the fishery resources of the geographical area concerned; and, a statement of their guiding philosophy on the conservation and management of living marine resources.
- ☐ **Part 2: FISHERIES EXPERIENCE FORM:** Nominees must specify their personal fisheries experience and background and other management interests within a Council's geographic area.
- ☐ **Part 3: STATEMENT OF FINANCIAL INTERESTS FORM (NOAA Form 88-195) AND NATIONAL MARINE FISHERIES SERVICE (NMFS) INTERGOVERNMENTAL PERSONNEL AGREEMENT (IPA):** Nominees must meet applicable financial disclosure requirements as required by Section 302(j) of the Magnuson-Stevens Act and financial disclosure regulations at 50 CFR 600.235. In addition to the signed financial disclosure form, nominees must also check the appropriate box, sign and date the Part 3 cover sheet, which pertains to potential participation by nominees in a NMFS IPA.
- ☐ **Part 4: CERTIFICATION OF STATUS FORM:** Nominees cannot be appointed to a Regional Fishery Management Council if they are acting as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938. They also must disclose if they are a registered Federal lobbyist, pursuant to the Lobbying Disclosure Act of 1995. Nominees must sign and date Part 4 for their application to be considered complete.

ENCLOSURE 4A

NEW ENGLAND COUNCIL

<http://www.nefmc.org/about/council-members>

MID-ATLANTIC COUNCIL

<http://www.mafmc.org/members/>

SOUTH ATLANTIC COUNCIL

<http://www.safmc.net/about-us/council-members>

CARIBBEAN COUNCIL

<https://www.caribbeanfmc.com/about-us/council-members>

GULF OF MEXICO COUNCIL

<https://gulfcouncil.org/about/council-members/>

PACIFIC COUNCIL

<https://www.pcouncil.org/navigating-the-council/membership-groups-and-staff/council-members/>

NORTH PACIFIC COUNCIL

<http://www.npfmc.org/council-members/>

WESTERN PACIFIC COUNCIL

<http://www.wpcouncil.org/about-us/council-members/>